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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE RIDDELL CONCUSSION
REDUCTION LITIGATION

Civil Action No. 13-7585 (JBS-JS)

**DECLARATION OF
JAMES E. CECCHI**

James E. Cecchi, of full age, declares under penalty of perjury:

1. I am an attorney-at-law admitted to practice and in good standing in the State of New Jersey and a member of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. ("Carella Byrne"), Interim Class Counsel for Plaintiffs in the above matter.
2. I submit this declaration in opposition to Defendant's Motion to Exclude the Report and Opinion Testimony of Robert Cantu.
3. Attached hereto as Exhibit 1 are true and accurate copies of relevant portions of the January 13, 2017 deposition transcript of Robert Cantu.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 10, 2017

/s/ James E. Cecchi
JAMES E. CECCHI

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF NEW JERSEY
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5

IN RE RIDDELL CONCUSSION

Civil Action No.

6
1:13-cv-7585 (JBS/JS)

7 REDUCTION LITIGATION
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12 *** C O N F I D E N T I A L ***

13 DEPOSITION OF ROBERT CANTU

14 Naples, Florida

15 Friday, January 13, 2017
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22 Reported by:

23 DONALD R. DePEW, RPR, CRR, FPR

24 JOB NO. 117671
25

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2 player chooses have any effect on those aspects,
3 those factors?

4 A. I don't believe so.

5 Q. Well, first of all, what is an energy
6 attenuation system inside a football helmet?

7 A. A football helmet has a hard outer
8 shell, usually polycarbonate, that its purpose
9 is to distribute force of what hits it over a
10 greater area inside the polycarbonate.

11 And that force is distributed over
12 what is referred to as the inner liner or energy
13 attenuating part of the helmet. And that's
14 usually a variety of things, it could be air
15 pockets, it could be gel, it could be foams.
16 And that energy attenuation system is what comes
17 in contact with the scalp of the athlete.

18 Q. And are the energy attenuation systems
19 inside football helmets different from
20 manufacture to manufacture?

21 A. Yes.

22 Q. And is the energy attenuation system
23 in the Riddell Revolution series of helmets
24 different than that in other manufacturers
25 helmets?

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2 A. Yes.

3 Q. And do you consider it to be better
4 than that in other manufacturers helmets at
5 reducing the risk of concussion?

6 A. No, I don't know that it's better in
7 reducing concussion.

8 Q. You don't know one way or another?

9 A. I think that's fair to say.

10 I don't know that it's any better and
11 I certainly don't know that it's worse.

12 Q. Are you aware of this delineation
13 between a modern football helmet and a
14 traditional football helmet?

15 A. Generally speaking, yes.

16 Q. And does that distinction relate
17 primarily to the energy attenuation systems in
18 the football helmets?

19 MR. PANTAZIS: Object to the form.

20 A. Well, first of all I would have to
21 have defined for me what a traditional helmet
22 is.

23 But most people are referring to the
24 modern helmets as being the ones that have come
25 on board with the Revolution and subsequently,

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2 which are generally speaking a larger helmet and
3 greater energy attenuating thickness inside the
4 helmet, especially in certain locations.

5 Q. And so is it safe to say that the
6 Riddell Revolution helmet was the first of the
7 modern football helmets with respect to energy
8 attenuation systems?

9 A. I think it's fair to say it would be
10 the first of quote/unquote the modern helmet.
11 And if you mean thicker energy attenuation
12 systems, yes.

13 They're not necessarily the same kind
14 in the different other helmets.

15 Q. And that change in energy attenuation
16 system, which may vary somewhat from helmet
17 manufacturer to helmet manufacturer, are they
18 the only types of helmets on the market,
19 football helmets on the market today?

20 A. No. There are -- there is a helmet on
21 the market that is quite dramatically different
22 from the other helmets, utilizing a very
23 light -- I believe it's a polycarbonate outer
24 shell and a much thicker inner energy
25 attenuating system, the Simpson helmet. It's

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2 rather radically different than the other
3 helmets on the market.

4 Q. But that's certainly much more like
5 the modern football helmet than it would be like
6 a traditional football helmet, is that fair to
7 say?

8 MR. PANTAZIS: Object to form.

9 A. It's certainly different, yes.

10 Q. And would you consider the Riddell
11 VSR4 to be a traditional football helmet?

12 A. Well, there are publications where
13 that one was compared to the Revolution and in
14 the publication they referred to it as a
15 traditional.

16 If we're saying that the modern helmet
17 came into being with the Revolution, then it's
18 okay by me to say that the VSR4 is traditional.

19 The VSR4 is far superior to helmets
20 before the NOCSAE standard came into being,
21 dramatically superior.

22 And so by traditional, that's where I
23 wanted somebody to put a year out there. If we
24 talk about since 1980 plus as being traditional,
25 then the VSR4 I guess would fall into that

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 been very much in line with what Dr. McGuine found and what Christy Collins found when they did their studies looking at concussion incidents and type of helmet, whether that helmet be a different brand, or whether it be older or newer, or whether that helmet be reconditioned or not.

And both the McGuine study and the Christy Collins study did not find a difference in helmet brand.

Q. And that is your opinion as well?

A. It's my opinion that the information I have from the testing that NOCSAE has done and from the literature involving those two studies, at the time that it was done the -- the McGuine study was a very robust study, and subsequently the Collins study is by far and away the biggest study involving thousands concussions and millions of head impacts and they both came to that conclusion. I believe that until I see further evidence, that I believe what they've concluded and published in peer reviewed journals.

Q. So as you sit here today it's your

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 opinion that a Riddell Revolution helmet does not provide a greater protection against the risk of concussion than a VSR4 helmet?

A. It's my opinion today as I sit here that I've not seen evidence that convinces me that one helmet brand or type provides superior protection to another. And that's based primarily on the McGuine and Collins studies, plus the experience of the recalled helmets that NOCSAE tested.

Q. So if your grandson was going to play football today, would you be comfortable providing him with a VSR4 helmet to play football in?

A. Well, first of all if he was under the age of 14 I wouldn't let him play.

And secondly, no, I'd have him in a new helmet.

Q. And which new helmet would you choose for him?

A. There I don't have any knowledge that one is safer than another.

Q. So when you say a new helmet you're talking about a modern football helmet?

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A. Yes.

Q. So you would choose for your child to wear a modern football helmet or you grandson to wear a modern football helmet instead of a traditional football helmet?

A. If he was in high school I would want him to be in a new football helmet, yes.

Q. And part of the reason that you would want him in the new football helmet is because the modern football helmets have better energy attenuation systems than the traditional football helmets; is that correct?

MR. PANTAZIS: Object to form.

A. I'd want him in a new helmet --

THE WITNESS: I'm sorry.

A. I'd want him in a new helmet because older helmets run the risk of having parts switched out. The most common of which are chin straps that don't mean much.

But in the process of looking at some of those helmets that were brought back to NOCSAE, it's rather incredible how even padding -- pads were switched out in some helmets.

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So the main reason I would want it to be in a new helmet is because I know that that helmet has got all of its pieces in place and the pieces are as good as there are.

Q. But would another reason be that the modern football helmets have better energy attenuation systems than the traditional football helmets?

MR. PANTAZIS: Object to form.

A. What I do know is that modern football helmets test better on NOCSAE drop tests and they test better on pneumatic ram testing than older helmets.

But what I don't know is whether that affords significant protection against concussion. The logic is that less should be better. So testing to a lower level would logically make sense that they might provide some further protection. But the problem is that what's causing the concussion we believe is the sudden movement of the head. And that movement is more related to not just the force delivering it, but the mass of the force delivering it.

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2 Does it sometimes happen because your
3 head -- a ball gets kicked into your head that
4 you don't see coming?

5 Yes.

6 But there are primary mechanisms in
7 our contact, collision sports that far and
8 exceed all the other mechanisms for concussion.

9 Q. And you believe that that judgment
10 that you make about how those primary mechanisms
11 manifest themselves in a given sport is
12 important in making a judgment about what type
13 of helmet to purchase to play that sport; is
14 that correct?

15 MR. PANTAZIS: Object to the form.

16 A. Not what type of helmet to play, but
17 just whether helmets should be used.

18 For instance, in girls ice hockey and
19 girls lacrosse almost all the concussions happen
20 because you get hit in the head with a stick or
21 hit in the head with a ball, and those could be
22 eliminated by wearing helmets, most I believe.

23 Q. But, for example, in hockey, there is
24 a variation in the type of helmet between a
25 goalie and a non-goalie, correct?

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2 A. Yes.

3 Q. So there you're making a choice with
4 respect to the type of helmet you're going to
5 purchase based upon the position you're going to
6 play; is that correct?

7 A. That's correct.

8 Q. Do you think that type of difference
9 in helmetry should occur in football?

10 A. Well, it's being studied.

11 The National Football League has given
12 \$60 million to study technology, the majority of
13 it going to helmet technology.

14 Part of that technology are sport --
15 are position specific helmets. And the lineman
16 would have a different helmet than the wide
17 receiver, than the quarterback, than the running
18 back. And there is good theory behind why that
19 may make a lot of sense.

20 But as yet, what those differences are
21 going to be and whether they make any difference
22 has not been established.

23 Q. Your next bullet point, the third one
24 says, "Impact tests performed in laboratories do
25 not equate to clinical reductions in the

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2 incidence of concussions on the playing field."

3 Do you see that?

4 A. Yes.

5 Q. Now when you say equate do you mean
6 that there is no relationship at all between
7 tests performed in laboratories and clinical
8 reductions in the incidence of concussions on
9 the playing field?

10 A. I guess what I'm trying to say is that
11 all helmets that pass NOCSAE standards, there
12 has been no shown difference in incidence of
13 concussion in that group.

14 I'm sure that if we were to compare a
15 helmet that would drastically fail NOCSAE
16 standards it probably would be a greater
17 incidence of concussion in that helmet, if not
18 worse, skull fracture and intracranial bleeding.
19 But we don't have those on the market hopefully.

20 Q. First of all what I'm just trying to
21 determine, though, is, is that bullet point
22 meant to say that there is no relationship
23 between impact tests performed in laboratories
24 today as you know of on football helmets and the
25 clinical reductions in the incidence of

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2 concussions on the playing field?

3 MR. PANTAZIS: Objection.

4 A. Essentially, yes.

5 And what I'm basing it on are
6 theoretical studies of Viano, even back to
7 Pellman and other theoretical studies that --
8 for instance, the STAR rating system -- that has
9 not been found to equate with any difference of
10 concussion incidence when measured on the field.

11 Q. Does that mean that those studies
12 conclusions are wrong?

13 MR. PANTAZIS: Object to form.

14 A. If the findings of McGuine and
15 Christy Collins are correct, then one would
16 think they're wrong.

17 The reality is concussion incidence is
18 multifactorial and rarely are all the factors
19 included.

20 Q. What about impact tests performed on
21 the playing field during the play of football,
22 are there such tests?

23 A. Yes.

24 Q. Is impacts one of those tests?

25 A. By impacts I was thinking of